

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00041-MR**

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| THOSE CERTAIN UNDERWRITERS) | |
| AT LLOYD'S, LONDON,) | |
| subscribing to Certificate No. 492252,) | |
| |) |
| Plaintiffs,) | |
| |) |
| vs.) | |
| |) |
| MEDICAL FUSION, LLC, a North) | |
| Carolina limited liability company;) | |
| SUPERIOR HEALTHCARE PHYSICAL) | |
| MEDICINE OF HENDERSONVILLE,) | |
| PC, a dissolved North Carolina) | |
| professional corporation; JEFFREY) | |
| G. HEDGES, D.C.; and ANDREW) | |
| WELLS, D.C.,) | |
| |) |
| Defendants.) | |
| |) |

**ORDER AND
CONSENT JUDGMENT**

THIS MATTER is before the Court on the Motion for Entry of Consent Judgment filed by the Plaintiffs, Those Certain Underwriters at Lloyd's, London, subscribing to Certificate No. 492252, and the Defendant Andrew Wells, D.C. [Doc. 33].

The Plaintiffs and Defendant Wells jointly move for the entry of an order and consent judgment dismissing all of the Plaintiffs' claims against Defendant Wells in this action on certain terms. [Doc. 33]. For the reasons

stated by the parties in their joint motion, and for cause shown, the Court hereby enters the following order and judgment with respect to Defendant Wells.

IT IS, THEREFORE, ORDERED that the parties' Motion for Entry of Consent Judgment [Doc. 33] is **GRANTED**.

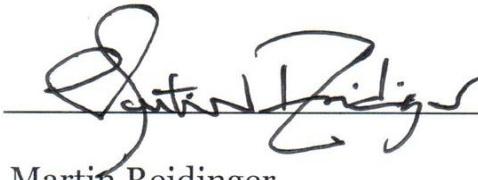
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED as follows:

- (1) The Plaintiffs' claims against Defendant Andrew Wells, D.C. are hereby **DISMISSED WITH PREJUDICE**;
- (2) The factual allegations contained in the Intervention Complaint do not trigger a duty to defend or indemnify Defendant Wells under the policy of insurance issued to Superior Healthcare Physical Medicine of Hendersonville, PC, Certificate No. 492252, with a Policy Period commencing on 11 January 2017 and concluding on 11 January 2018, or otherwise trigger any coverage thereunder;
- (3) The Plaintiffs do not owe, have never owed, and will never owe, a duty to defend or indemnify Defendant Wells in connection with the Intervention Complaint or any future Claim arising therefrom; and

(4) As to Defendant Wells, the policy of insurance issued to Superior Healthcare Physical Medicine of Hendersonville, PC, Certificate No. 492252, with a Policy Period commencing on 11 January 2017 and concluding on 11 January 2018, is hereby deemed **RESCINDED** and Defendant Wells shall make no further claim thereunder.

IT IS SO ORDERED.

Signed: July 3, 2023



Martin Reidinger
Chief United States District Judge 